IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.26708 M OF 2007

DATE OF DECISION: AUGUST 17, 2007

Amrik Singh and another

.....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM:- HONBLE MR. JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. Vikas Bahl, Advocate,
for the petitioners.

Mr. M. C. Berry, Sr.DAG, Punjab,
for respondent No.1.

Mr. Gurmohan Singh, Advocate,
for respondent No.2.

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RANJIT SINGH, J. (ORAL)

This petition is filed for quashing of FIR No.77 dated 15.3.2006 registered under Sections 406, 420 IPC, at Police Station Banga, District Nawanshahar, on the basis of a compromise reached between the parties. The above-noted FIR was registered against the petitioners at the instance of respondent No.2 alleging that he has been cheated of Rs.10.50 lacs on the pretext of sending his son abroad. Resham Singh, petitioner, is stated to be working as Travel Agent alongwith his other family members and had represented to the complainant that Sarbjit Kumar could be sent to Canada on

the marriage basis. The complainant states that he came into temptations of the accused-petitioners and paid her a sum of Rs.5.50 lacs in the presence of accused family members. Another sum of Rs.5 lacs was taken as loan from brother-in-law (***Sadu)*** and paid to petitioner, Resham Singh**.** The petitioners, on the other hand, have mentioned that this is a case of monetary dispute between petitioner No.2 and the complainant and in order to settle the score, the present FIR was lodged.

Be that as it may, now the parties have settled the dispute and differences. The complainant-respondent No.2 is present in the Court. He has already given an affidavit, Annexure P-1, saying that this FIR was registered at his instance against the petitioners and that he has now compromised with the petitioners on the intervention of the Panchayat and respectables of the locality. Respondent No.2 confirms that he has given the abovesaid affidavit annexed with the petition. He has also stated before the Court that he does now wish to pursue this FIR and has no objection if the same is ordered to be quashed.

Mr.Vikas Bahl, learned counsel appearing for the petitioners, has referred to the Full Bench decision of five Judges in ***Kulwinder Singh and others Vs. State of Punjab and others)***, reported as 2007 (3) Law Herald (P&H) (FB) 2225, wherein the Court has held that power under Section 482 Cr.P.C. can not have any fetters and it can not be eclipsed by any contingencies and the same can not be made diminutive in sense and substance and can not be a hostage to one class or category of cases. As held in this case,

compromise in a modern society is the sine-qua-non of harmony and orderly behaviour. It is a soul of justice and if the power under Section 482 Cr.P.C. is used to enhance such a compromise, which, in turn, emphasis the social amity and reduces friction, then it truly is finest hour of justice. In any event, the criminal proceedings arising out of matrimonial dispute can, thus, be ordered to be quashed on the basis of compromise. No useful purpose will be served in allowing these proceedings to continue. Since the parties have entered into a compromise and the complainant is not likely to support the case of prosecution in the impugned FIR, the trial, even if allowed to continue, will be an exercise in futility. No useful purpose, as such, will be served in allowing these proceedings to continue. Even otherwise, as held by this Court in Kulwinder Singh's case (supra), compromise in a modern society is the sine-qua-non of harmony and orderly behaviour and power under Section 482 Cr.P.C. is to be used to enhance such compromise.

Accordingly, this petition is allowed and FIR No.77 dated 15.3.2006 under Sections 406, 420 IPC registered at Police Station Banga, District Nawanshahar, and the subsequent proceedings arising therefrom are ordered to be quashed.

August 17, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**